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March 20, 2013

The Honorable John Kline
Chairman, House Committee on Education and the Workforce
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

The National Roofing Contractors Association supports the “Preventing Greater Uncertainty in Labor-Management Relations Act” (H.R. 1120), legislation to minimize regulatory uncertainty following a recent court ruling impacting the work of the National Labor Relations Board (NLRB). NRCA urges Congress to approve this legislation expeditiously in order to protect the rights of employers and workers.

Established in 1886, NRCA is one of the nation’s oldest trade associations and the voice of professional roofing contractors worldwide. NRCA has approximately 4,000 members in all 50 states who are typically small, privately held companies, with the average member employing 45 people and attaining sales of about \$4.5 million per year. NRCA represents both union and non-union contractors and supports policies that maintain an equitable balance in labor-management relations.

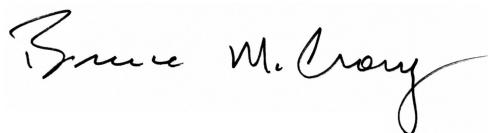
As you know, in 2012, President Obama made three recess appointments to the NLRB. However, in January the U.S. Court of Appeals for the District of Columbia recently ruled that these appointments are constitutionally invalid given that the Senate was in session at the time of the appointments. As such, the NLRB does not currently have a constitutionally valid quorum in place. NRCA understands that the administration has requested review of this court ruling by the U.S. Supreme Court. However, until this ruling is reviewed and reversed, most recent and future board decisions are constitutionally suspect and open to court challenge.

Given that the NLRB has indicated that it will move forward with decisions despite the Appeals Court ruling, legislation is needed to reduce the uncertainty surrounding this situation. H.R. 1120 is needed to prevent further labor-management instability by requiring the NLRB to cease all activity that requires a three member quorum and refrain from enforcing any action taken

after January, 2012 that required a quorum. It also will protect the right of workers to petition for union elections and does not prevent NLRB regional offices from accepting and processing unfair labor practice charges filed by any injured party (worker, employer or union). Finally, the bill also provides that restrictions on the board's authority will be removed under a number of different circumstances, including a ruling by the U.S. Supreme Court or a board quorum confirmed by the U.S. Senate.

Again, NRCA supports H.R. 1120 in order to reduce regulatory uncertainty surrounding the NLRB until the current legal situation is resolved. Thank you for considering NRCA's views on this important issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce M. McCrory".

Bruce McCrory
Kiker Corp., Mobile, AL
President, NRCA